

Offender Registration Working Group Meeting Minutes (4 pages)

Date: January 09, 2013
Time: 1:00 to 3:00
Location: Jackson County

Attendance:

Sheila Wacker- Johnson County SO
Shelia Sawyer-Tyler- KBI
Jessica Dultmeier-KBI
Nancy Burghart- KJCC
Phil Tongier- KJCC
Chris Reece- JJA
James Eickhoff- Wyandotte County SO
Harry Keith- Wyandotte County SO
Kelly McPherron- KBI
Rachel Harmon- KBI
Darcy Wells- Lyon County SO
Jacob Welsh – Lyon County SO
Thomas Delgado- Sedgwick County SO
Tracy Spreier- Sedgwick County SO
Jacob Westfall- Harvey County SO
Aaron Waldorf- Butler County SO
Kip Richardson- Butler County SO
Dustin Carlat- Shawnee County SO
Emily Adams- Shawnee County SO
Debra Hoffer- Shawnee County SO
Beth Mechler- DOC
Dena Larison- Jefferson County SO
Shawna Miller-Jackson County Attorney's Office
Judge David Riche- 13th Judicial District
Linda Holleicke- Johnson County Adult ISP
Kristina Freeman- Johnson County DA's Office
Erika Rasmussen- Johnson County DA's Office
Chris Miller- Jackson County SO
Sherri Ladner- Jackson County SO
Tim Morse- Jackson County SO
Andy Caviness- Jackson County SO
Al Dunn- Jackson County SO
Sherri Hartter- 2nd JD Court Services
Judge Michael Ireland- 2nd Judicial District
Jim Cyphers- 2nd JD Court Services

Minutes of the Meeting:

1. Sheila Wacker called the meeting to order and introduced herself. The remaining attendees introduced themselves.
2. Proposed changes to the KORA for 2013 were distributed and discussed.
(see the last 2 pages)

Chris Miller (Jackson County Sheriff's Office) asked if the acknowledgement on the Sex Offender Registration Form could be simplified, specifically the term "residency".

Judge Ireland (Jackson County) noted that the acknowledgement is very hard to read and understand and there are some offenders that are unable to read the acknowledgment. He also stated the acknowledgement needed to be clearer in its requirements, for example, if an offender eats dinner at a friend's house for 7 or more consecutive days, is he required to provide this information to the registering agency? If so, this requirement is not included on the acknowledgement.

(I believe this statute covers what Judge Ireland was speaking about however the statute number was not provided.)

K.S.A. 22-4907

(a)(6) current residential address, any anticipated future residence and any temporary lodging information including, but not limited to, address, telephone number and dates of travel for **any place in which the offender is staying for seven or more days; and, if transient, the locations where the offender has stayed and frequented since last reporting for registration;**

Additionally, the acknowledgement does not address the vehicle requirement, should an offender park their car at someone's house for 7 or more consecutive days.

(I believe this statute covers what Judge Ireland was speaking about however the statute number was not provided.)

K.S.A. 22-4907

(a)(12) all vehicle information, including the license plate number, registration number of and any other identifier and description of any vehicle owned or operated by the offender, or any vehicle the offender regularly drives, either for personal use or in the course of employment, and information concerning the location or locations such vehicle or vehicles **are habitually parked or otherwise kept;**

3. The status of KsORT was provided by Jessica Dultmeier of the KBI.
 - KsORT has been used internally at the KBI
 - Sheriff's Departments will have 1st priority to utilize KsORT.
 - KsORT will eventually be available for use by the KDOC, but until then continue to register offenders as currently being done.
 - Full access is required for those persons entering data into NCIC via KsORT.
 - Vendors continue to develop NSOR, the NCIC part of KsORT
 - Possibly ready for testing by the end of the month and if it runs smoothly, an agency will be selected and asked to test the application
 - If NSOR runs smoothly for the test agency, training will begin.

4. New Representative for the House and Senate will be provided once this information is available.
5. The 2013 SMART Office Symposium has been cancelled, but regional workshops will be held.
6. Next meeting: **April 10, 2013**
Lyon County Sheriff's Office
425 Mechanic Street
Emporia, KS 66801
Main Phone Number
620-342-5545

Please email Sheila Wacker (Sheila.Wacker@jocogov.org) with any topic you wish to have placed on the Agenda for our next meeting.

Statute	Recommendation: Update paragraph numbering/lettering after revision.
K.S.A. 22-4902(b) (2)	Change adjudication date to reflect July 1, 2002, the date which juveniles were first required to register.
K.S.A. 22-4902(c) (11)	Remove “commitment on or after April 17, 2008” from the definition of electronic solicitation.
	Retroactivity is being standardized to conform to when the category of crimes, e.g. sex, violence or drug, were added to the registry
K.S.A. 22-4902(f)	Change “Drug offender means any person...” to “Drug offender includes any person...” in definition of drug offender
	Add conviction requirement of on or after July 1, 2007 for specific offenses noted.
	Update paragraph numbering/lettering and grammar.
K.S.A. 22-4904(b) (3)	Remove “or otherwise released from incarceration” from statute. Statute already provides specific times an offender must register prior to release from incarcerated in a correctional facility are provided (prior to any offender being discharged, paroled, furloughed or released on work or school release) .
(d)(9)	Insert “offender registration” and remove “law enforcement and criminal prosecution” in order to clarify that funds paid by registering offenders are to be used solely for offender registration purposes.
	It was brought to the group’s attention that limiting the use of offender registration funds strictly for registration purposes (registration divisions in Sheriff’s Department), causes problems for the smaller counties which may not need the funds for registration purposes but who could use the funds for purchases in other divisions.
	The ORWG voted to keep recommended language in statute (4 votes opposed).

Statute**Recommendation:**

- K.S.A. 22-4905(d)** Insert specific times when registration must be updated for those offenders in the custody of a correctional facility (discharged, paroled, furloughed or released on work or school release), removing broad/general terms (released from custody, granted work release or otherwise allowed to leave the grounds of the correctional facility).
- Language now mirrors K.S.A. 22-4904(b)(3).
- K.S.A. 22-4906(a) (1)** Add specific subsections to clarify offenses which require registration upon conviction and length of registration who is required to register.
- Excludes DUI offense.
- (a)(1)(I) Statute is too broad. Identify specific section/subsections (a) (1), (2), or (4) regarding length of registration if convicted of involuntary manslaughter as defined by K.S.A. 2011 Supp. 21-5405.
- (I) Statute is too restrictive. Remove “The duration of registration shall begin upon establishing residency, beginning employment or beginning school” regarding persons residing, maintaining employment or attending school in Kansas after being convicted/adjudicated by an out of state court for an offense requiring registration in Kansas which registration was not required by the convicting/adjudicating jurisdiction.
- K.S.A. 22-4907 (b) (1)** Remove references to nurses, phlebotomist and DNA being collected through the withdrawal of blood, as the KBI hasn’t required blood be drawn in order to collect DNA since 2007, and swabs are currently used in the collection of DNA.
- K.S.A. 22-4909 (a)** Remove reference to subsection f, as there is no longer such subsection
- (b)(4) Remove requirement of offender reporting where they “may or will be” an employee as information required to be posted on the internet. Only report employment once offender has a job.
- (c) Return requirement of providing address of offender’s employer on internet website.